REMARKS

Claims 1-28, 30 and 31 have been previously canceled, claims 29, 37, 39 and 40 are currently amended. No claims have been added or canceled by way of this response. Thus, claims 29, 32-43 are currently pending and presented for examination. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Rejections Under Section 103:

Claims 29, 33-40, 42 and 43 stand rejected under 35 U.S.C § 103(a), the Examiner contending that these claims are obvious over Tang et al. (US 2004/005921) in view of Komine et al. (US 7,281, 027). Claims 32 and 41 stand rejected under 35 U.S.C § 103(a), the Examiner contending that these claims are obvious over Balfanz et al. (US 2004/107366) in view of Komine et al. (US 7,281, 027) and further view of Humphery et al (US 2002/00856401).

Applicant is uncertain if the Examiner intends for the rejections to claims 32 and 41 to be based on Balfanz or based on Tang.

> During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." . . . The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach (MPEP 2111)

Claim 29 recites "disconnecting ... when *no* data traffic is received within a duration of time". Consistent with the specification and the interpretation that those skilled in the art would reach, no data traffic may indicate a variety of a situations. For example, the sending device may have a fault and could not send data. Another example is the sending device is idle and simply has no data to send. Regardless of the situation, when no data traffic received within a duration of time a disconnect occurs.

In contrast, Komine teaches disconnecting when an acknowledgment to a periodically transmitted data is not received (see e.g., communication state monitoring col. 8 lines 28-39). Thus, Komine's disconnect occurs only if the acknowledgment response (ACK) is not received. Komine monitors for a lack of the ACK which is a specific data traffic and not for the lack of

receiving all data traffic. Therefore, Komine teaches that a disconnect will occur if the ACK is not received even if data traffic other than the ACK is received during the duration of time.

Furthermore, Komine **requires** a periodically transmitted data in order to check for the acknowledgment. Thus, by combining Tang with the Komine improperly imposes the limitation of periodically transmitting data in order to check for the acknowledgment into Applicant's claim.

For at least the reasons above, Applicant respectfully submits that independent claim 29 is patentable. Furthermore, independent claim 37 having limitations similar to the ones argued above for claim 29 is also patentable. Claims 32-36 which depend on claim 29 and claims 38-43 which depend on claim 37 are also patentable at least based on their dependency as well as based on their own merits. Therefore, Applicant respectfully requests that the Examiner withdraw the Section 103 rejections.

Conclusion

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: Sept. 3, 2009   By: _Janet D. Hood_

Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830